Khai Hee Kwan
315 Avoca St
Randwick NSW 2031
Australia

Debra F Charles
Examiner
USPTO
Art Unit 3628
FAX: 703-872-9326

Dear Debra,

The Title of the Invention: Method, apparatus and program for pricing, transferring, buying, selling and exercising of freight cargo options on the World Wide Web
The Name of the Inventor: Khai Hee Kwan
Customer Number : 23336   Application Number: 09/376381

In response to your action letter mailed 25 March 2004 for the above application, we enclosed our response as attached consisting of 2 1 pages with Appendix 1 comprising 9 pages and Appendix 2 comprising 9 pages inclusive.

Thanks and regards

Khai Hee Kwan   Email: khkwan@yahoo.com

Dated: 22 April, 2004   Pages faxed 22 including this page

I hereby declared that this response was sent by facsimile on the 22 April 2004.

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Applicant: Khai Hee Kwan   Examiner: Debra F Charles.
Title: Method, apparatus and program for pricing, transferring, buying, selling and exercising of freight cargo options on the World Wide Web.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TO: Commissioner for Patents
       Virginia 22313-1450

Sir:

In reply to Office Action mailed on March 25, 2004, we respectfully ask the examiner to consider our response below.

We respectfully traverse the examiner's assertion that claims 29,32,33,38,39,49,54 and 56 are unrelated. An unrelated invention by way of examples can be found in MPEP 806.04. "An article of apparel such as a shoe, and locomotive bearing would be an example. A process of painting a house and a process of boring a well would be a second example."

The examiner provided the reasoning that the inventions have different equations. However, the examiner provided no evidence to show these different equations. As noted by the examiner all the cited claimed inventions are in the same class 705, subclass 1. Therefore the field of search is the same and there is no clear indication of separate future classification and field of search. Furthermore since three of the seven independent claims are already allowed, the restriction is improper because examining all of the other claims would not place an undue burden on the examiner nor as we mentioned required a different search.

<u>Analysis of Examiner's assertion</u>

Claim 29 which is already in allowance was cited to have in part means of match and rank existing cargo options set by user, means to display with a graphic user interface and means to receive a user request input via terminal an offer for sale or buy cargo option, and means to receive cargo system request which are posted for a predetermined period accessible online to other users, in said exchange. The examiner then asserted that claim 32 is unrelated to Claim 29 because it calculates a cargo option that gives the cargo service provider the right but not obligation to sell within a future period said period equal or less to the period before the departure date, the underlying cargo shipping services for a particular route to the seller of said option at a particular price; and posting the cargo option price to await user's response where such offer(s) are open to all users for a predetermined period. We beg to disagree with the above assertion as it nowhere shows a different equation as claimed. We further could not see how having means to match or rank cargo option in part would be result in a different equation so unrelated to an invention that provides pricing cargo option for service provider and posted it to await user's response. In fact Claim 29 would reveal there is a program to calculate such cargo

Page 1 of 21

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option. See " said memory in said central controller containing a program to calculate cargo option price, adapted to be executed by said CPU in response to cargo pricing information from cargo system. "

Even if the equations used for cargo option is different as asserted by the examiner it does not mean they are independent inventions given the practical use or purpose of the invention must co-operate with a user and a service provider in the cargo service business within the scope of the subject matter. For example, the claims are not unrelated to cargo options, nor the apparatus used are unrelated (cargo system) to cargo facilities.

Similarly for Claim 32 being unrelated to claim 38 and claim 54 as asserted by the examiner in part II at page 4. In claim 38, it details a method for user to determine a cargo option price wherein the subject matter is preserved corresponding to Claim 32 regardless who is using the pricing process. As we mentioned, the inventive purpose is to satisfy a cargo option value regardless user or service provider is applying the calculation method. In Claim 54, while the system is for listing cargo option, it does so similarly to Claim 29 in an exchange.

As for Claim 38, the determination of cargo option price is preserved as found in Claim 29, 32. As for Claim 49 the pricing feature is again preserved in line with Claim 38. As Claim 54 details an exchange similarly found in Claim 29 and Claim 29 incorporates determining pricing then by operation, Claim 54 would not be independent to Claim 38. Claim 56 details a cargo service provider to offer a cargo option which is another way of saying the reverse of a user asking for a cargo option and accordingly the subject matter of calculative equation is preserved on the subject matter. Ie a buyer wishing to buy X is the same as saying seller offering X to buyer.

Further as per 37 CFR 1.145 and in MPEP 821.03, this provides an opportunity for us to modify the claims in the event as alleged to be distinct. Without conceding to the examiner's assertion for distinctiveness and to expedite the prosecution, please refer to Appendix 1 for the amendments.

As part of compliance with the request for restriction/election, we would like to submit election of Claims 29, 33, 39 including all dependent claims. Please refer to Appendix 2 for the amendments.